

**Washington State Human Rights Commission  
MEETING OF  
September 23, 2005**

**Sea Tac, WA**

**Minutes**

**ATTENDANCE**

Commissioners: J. Reiko Callner, Chairperson; Ellis Casson; Dallas Barnes; Deborah Sioux Cano-Lee; and Jerry Hebert. A quorum was present.

Staff: Marc Brenman, Executive Director; Tanya Calahan, Executive Assistant to the Commissioners; Idolina Reta, Special Assistant; Jennifer Greenlee, Housing Manager; Jerry Lee, Operations Manager; and Traci Friedl, Assistant Attorney General.

Guests: Brooke Bieloh

*(Audio tape one – side one)*

**OPENING AND WELCOME**

Commissioner Callner called the meeting to order at 9:11 a.m.

**APPROVAL OF MINUTES**

Commissioner Hebert made a motion to approve the minutes of the August 26, 2005 Commission meeting. Commissioner Casson seconded the motion. Commissioner Callner noted that Tanya Calahan should amend the minutes under the Executive Director's Report to reflect that Commissioner Casson will replace Commissioner Callner on the Deputy Director interview panel. MOTION CARRIED with the noted amendments.

Tanya Calahan reviewed the action items from the August 26, 2005 meeting.

**APPROVAL OF CASE CLOSURES**

The Commissioners discussed several cases on the agenda. Commissioner Lee submitted questions regarding several cases electronically prior to the meeting. Staff

made the necessary corrections to the relevant findings. Commissioner Hebert then made a motion to approve the case closures with the noted corrections to several findings. Commissioner Callner seconded the motion. MOTION CARRIED.

### **EXECUTIVE DIRECTOR'S REPORT**

Executive Director Marc Brenman briefly commented about his written monthly report and asked if the Commissioners had any questions or comments.

Commissioner Barnes commented about the lack of reasonable cause determinations lately.

Commissioner Barnes also commented about the lack of staff in the Yakima office and the hiring of more managers and not investigators.

### **UNFINISHED BUSINESS**

By consensus the Commissioners concurred with Marc Brenman's decision to hire Don Butler as the Olympia Operations Manager.

The Commissioners next considered the Executive Director Evaluation Process for the Executive Director. The Commissioners shared their comments regarding the draft proposal.

Commissioner Casson stated that the Commissioners can go to anyone they want to obtain feedback regarding the executive director.

*(Audio tape one – side two)*

Discussion continued. Commissioner Hebert stated his objection to soliciting input from staff that does not have a direct reporting relationship to the executive director.

Commissioner Callner made a motion to proceed with the evaluation protocol using the executive director's proposals for stakeholders and any additional stakeholders, and Commissioner comments and to distribute the proposed evaluation tool agency wide with a particular subject to review. The level of staff position will be identified when staff comments are submitted. Commissioner Hebert seconded the motion. MOTION CARRIED.

The Commissioners discussed the memorandum from Dee Endelman regarding executive coaching of the executive director.

Commissioner Hebert made a motion to invite Dee Endelman to the next Commission meeting in executive session to address the Commissioners request to obtain feedback in lieu of a written report regarding the executive coaching with Marc Brenman. Commissioner Callner seconded the motion. Discussion ensued. Commissioner Barnes opposed. MOTION CARRIED.

Commissioner Callner spoke about the status of the Washington State University issue. Several stakeholders were debriefed by the Task Force. The Commission will only participate in an advisory or consultant capacity as it would with any state agency.

The Commissioners considered the draft policy concerning committees of the Commission - Commissioner Callner suggested additional clarifying language in policy. She'll provide the specific language to Tanya Calahan to include the final document.

Commissioner Hebert made a motion to adopt the Policy on Committees of the Commission with the recommended changes. Commissioner Lee seconded the motion. Commissioner Casson voted no. MOTION CARRIED.

The Commissioners next considered the Policy Concerning Workstudy Sessions. Commissioner Casson suggested a budget for work study sessions because of the added expense. There was discussion about the time commitment needed for work study sessions. The Commissioners will discuss this item at the October 2005 Commission meeting.

*(Audio tape two – side one)*

The third and final policy discussed by the Commissioners was the Policy on Charging Committees- Commissioner Hebert made a motion to approve the policy. Commissioner Lee seconded the motion. Commissioner Casson voted no. MOTION CARRIED.

The Commissioners discussed the anti-immigration initiative. The Commissioners discussed a plan of action. They are limited and cannot participate in ballot measures. Marc Brenman will develop a fact sheet that shows how the recent immigration initiative and how it would impact the Commission if it becomes law.

### **RECONSIDERATIONS**

**Bieloh v. Olympic Coffee & Roasting.** Ms. Bieloh was present. Bob Doxsie was present on behalf of respondent. Bruce Redding provided a summary of the case. Discussion ensued about a request for medical document or a request for an accommodation or lack thereof.

*(Audio tape two – side two)*

Ms. Bieloh commented about a witness Ms. Navarro. She contends that this witness could attest that complainant was called “crazy” and Mr. Doxsie or the manager said that she was “suicidal.” There was extensive discussion on this case and the severe and pervasive standard for harassment. Commissioner Hebert moved to deny the petition for reconsideration. He made extensive comments to Ms. Bieloh regarding the reason for denying her petition and the limitations of the process. Commissioner Casson seconded the motion. MOTION CARRIED.

**Scott v. PBB Logistics.** Tom Owens appeared on behalf of complainant. Lora Morse appeared on behalf of respondent. Bruce Redding provided a summary of the case. Commissioner Hebert commented about the timing of the complainant’s termination and possible retaliation. Discussion then continued about the case.

*(Audio tape three – side one)*

There was discussion about the nature and timing of various write-ups of complainant. The Commissioners asked if complainant received an improvement plan. Commissioner Callner made a motion to deny the petition. Commissioner Barnes seconded the motion. Discussion further ensued. There is circumstantial evidence to support both sides. The lack of standards for disciplining and counseling employees is troubling. However, the burden of proof according to the law has not been met. Policies should be clear cut. Commissioner Hebert is uncomfortable with the timing of the issues. The company may need help with developing clearer policies. Commissioner Casson abstained. Commissioner Lee was opposed. MOTION CARRIED.

**McWhorter v. Harrison Memorial Hospital.** Commissioner Hebert recused himself from this case as he has a relationship with the hospital and his employees. Bruce Redding summarized the case. Ms. McWhorter appeared in person. Commissioner Casson expressed concern about failure to accommodate complainant after 17 years of service. After a failed motion to deny the petition for reconsideration, extensive discussion took place regarding this case. Complainant identified several witnesses that she says were not interviewed during the investigation.

*(Audio tape three – side two)*

Commissioner Casson then made a motion to grant reconsideration to interview the five witnesses identified by complainant. Commissioner Lee seconded the motion. Commissioner Callner was opposed. MOTION CARRIED.

**Jana Larson v. Boeing.** Commissioner Casson made a motion to deny the petition. Commissioner Hebert seconded. MOTION CARRIED.

**Johanna Martinez v. Rainwater Insurance Co.** Commissioner Callner made a motion to deny the petition. Commissioner Barnes seconded the motion. MOTION CARRIED.

**Anita Shekinah v. Safeplace.** Commissioner Callner recused herself from voting on this case. Commissioner Casson made a motion to deny the petition. Commissioner Hebert seconded the motion. MOTION CARRIED.

### **NEW BUSINESS**

The Commissioners discussed activities their individual activities for the month and upcoming events.

They also discussed the upcoming Vancouver meeting in October 2005 and the Women's Leadership Forum that will be held in conjunction with the November 17-18, 2005 meeting. Commissioner Lee will take the lead on planning the forum.

As this was Commission Chair J. Reiko Callner's last Commission meeting as she recently resigned due to other commitments, the Commissioners and staff wished her well in her future endeavors

### **ADJOURN**

Commissioner Callner made a motion to adjourn the meeting at 4:34 p.m. Commissioner Lee seconded the motion. MOTION CARRIED.

Respectfully submitted,

Tanya Y. Calahan  
Executive Assistant to the Commissioners